

# OUR MUNICIPAL AFFAIRS.

## A BRIEF HISTORY OF THE PROGRESS OF EVENTS.

### Proceedings in the Street Commissioner's Case.

### The Board of Aldermen Yield the Police Property to the Metropolitan Commission.

### Two More Victims of the Sixth Ward Riot.

### GENERAL VIEW OF MUNICIPAL AFFAIRS.

**ACTUAL STATE OF THE VARIOUS CONTESTS FOR THE PRESERVATION OF THE CITY RIGHTS.**  
Public events have unfolded so quickly in the city since the adjournment of the Legislature, and so complicated and various have been the changes and windings attending the new measures, respectively, that it has become most difficult, if not an impossibility, for the community to keep accurately posted up with respect to the actual position of affairs. It is with the purpose of relieving our readers from this embarrassment that we present the following general view of the condition of our municipal questions.

### THE METROPOLITAN POLICE.

The Court of Appeals having decided in favor of the constitutionality of the Metropolitan Police bill, resistance to the execution of that law has practically ceased. These functionaries who took a leading part in opposition to the law have bowed to the decision of the Court of Appeals, and have recommended obedience to it as the part of all citizens. The committee of the Board of Aldermen to which was referred the question as to the disposition of the various police stations and property throughout the city have reported in favor of surrendering them to the new Commissioners. That report was made the special order for last evening, and finally it was adopted by a vote of 19 yeas to 2 nays. The Controller has proposed to pay the members of the old Municipal force up to the time of their being severally dismissed by the new Commissioners, or disbanded generally by the Mayor; excluding, however, from the benefit of this measure such members of the old force as were appointed subsequent to the organization of the new Board.

This drawing altogether too nice a distinction, and is perfectly absurd. The Controller and everybody else knows that all who have actually been engaged in the service of the city must be paid by the city, and it might as well be done with a good grace as not. Besides, as a matter of common decency and charity these men should not be, through any illigence or perverse crankiness on the part of Mr. Flag, kept out of their money a day longer than need be. They are poor, and most of them have families to support. They are being victimized to, by a swarm of black-buckling money-changers who are buying up their claims against the city at an immense discount. We understand that there is no impediment to the payment of those not thus specially excepted by the Controller; and we hope, as a matter of fair play, that an arrangement will be also made to remove this exception—so as to allow all who have been in the employment of the city as policemen, no matter when appointed, to receive their due from the city.

The police system of New York at this moment is surreptitiously in the hands of the new Commissioners, presided over by Mr. Simon Draper. The old tripartite commission of Mayor, Recorder and City Judge is in law and in fact, and there is not the star or badge of a Municipal policeman to be met with in the streets. The Mayors of New York and Brooklyn are, as officials, Police Commissioners, and have an equal voice in the general management of the force. Of course, in case of a disturbance of the peace of their respective cities, they have the supreme control of the police force, as they always have had. An erroneous impression has prevailed that the new Commissioners absorbed all police powers. But that is entirely a mistake. Their jurisdiction extends merely to the general regulation, management and appointment of the force, but the supreme power over it is reserved to the Mayor, Recorder and City Judge in case of riot, disorder or insurrection, riotous attack in the streets of the counties of Kings, Richmond and Westchester.

The General Superintendent of the force is Mr. Tallmadge—formerly Recorder of the city—and the Deputy Superintendents are, Carpenter for New York, and Folk for Brooklyn. In the latter city most of the captains and men of the old force have been retained—the appointments there being left to Mayor Powell and Commissioner Brannan. In the city several of the captains, besides those who went over to the new Commissioners given in the fight will be retained. And it is given out that the most active and well conducted men of the old force will receive their re-employment. If this principle be the one adopted, they will be glad to think better of the new Commissioners.

A movement has been originated in one of the up-town wards to procure a repeal of the Metropolitan Police bill, and also a severance of the city of New York and some of the lower counties from the rest of the State and their re-creation into a new State.

### THE STREET COMMISSIONERSHIP.

On the death of Mr. Taylor, the Street Commissioner, who had been elected to that office by the Mayor, nothing was left at the last election, the Governor of the State appointed Mr. Daniel D. Conover to fill the office. The office had ceased to be elective under the provisions of the new charter, which gives to the executive of the city, with the consent of the Board of Aldermen, the appointment of all heads of departments. The Mayor, acting under the plain meaning of the charter, appointed Mr. Charles Devlin as Street Commissioner, thus creating a conflict between the Mayor and the Board of Aldermen. The Mayor's appointment was made in the city into conflict. The Mayor's appointment was made in the city into conflict. The Mayor's appointment was made in the city into conflict.

Mr. Devlin, under the shadow of this injunction, continued to exercise the functions of Street Commissioner in spite of Judge Peabody's decision. Further application was made to the Judge, for a warrant for the arrest of Devlin, and he committed to the City Prison until he should deliver up the books, and then for a search warrant, directing the sheriff to search the City Hall and the Mayor's, Street Commissioner's and Corporation Counsel's offices for the books. Pending the proceedings on this latter application, Judge Davies, another Judge of the same Court, issued yesterday a writ of certiorari, commanding Judge Peabody to report all proceedings in the matter, and to report all the testimony, &c., taken before him to the general term of the Supreme Court on the second Monday of September. Thus we have the extraordinary spectacle presented of three co-ordinate judges of the same court issuing process to restrain each other.

Judge Peabody has not yet decided whether he shall obey the Court's decision, or if he should refuse to obey it, but to issue the warrants for the arrest of Devlin, and to search for the books of the office, will have an other conflict of authority, with it may be, serious and deplorable results, as Judge Roosevelt's injunction restraining Conover from possessing himself of these books or other property of the city in force, and of equal effect with any warrant of a contrary character that Judge Peabody may issue. If, on the contrary, he should make up his mind to obey the Court, the Devlin business will be left in statu quo till September, when he will be occupying the office.

### THE EXCISE COMMISSIONERS.

The Commissioners appointed under the new Excise law are, for so far, in undisputed exercise of their functions. They have not yet been put through the fiery ordeal of the law courts, simply because they have not yet taken any decided steps in the enforcement of the law. All they have done towards it has been to open an office and hold meetings to hear applications for licenses. Up to this time they have granted but 210 licenses to street-vendors and liquor dealers.

Few if any of the members of the Liquor Dealers' Association have applied for licenses; and as this body com-

prises almost all the respectable liquor dealers of the city, it follows that most of those to whom licenses have been granted are either fresh accessories to the trade, or else persons whose title to hold licenses might well be questioned. We do not know whether that is actually the case, but such would certainly seem to be the logical deduction from the premises.

In 1884 there were 6,771 tavern licenses granted in this city. The number has increased tremendously since then, owing to the failure of the absurd attempt to introduce the Mace Liquor law here, and hence there is no excuse for any and all who have been in force. Probably there are at this moment 12,000 places in the city of New York where liquor is sold, and yet but 210 have applied for and received licenses. There are thirty-nine days more within which licenses will be granted. Then the books will be closed, and the war between the Excise Commissioners and the Liquor Dealers' Association will commence in earnest. Up to this time, we understand, no prosecutions are to be commenced. Then the armistice expires and the fight begins. The Liquor Dealers' Association stands pledged to defend and keep harmless each and every one of its members that may be singled out for prosecution, and to test the law through all the tortuous windings and windings of the skillful lawyers may resort to, until finally the Court of Appeals decides on its constitutionality. Up to the middle of August, at least, the liquor dealers may rest secure, but after that exciting time may be decided for.

### THE QUARANTINE AFFAIRS.

We have had no renewal of hostilities on the part of the Boardmen of Seguin's Point against the Commissioners for the change of Quarantine. The buildings there are placed under the charge of the Sheriff of Richmond county, the special police force detailed to take care of them having been withdrawn. As the county is responsible for wilful damages to the Quarantine property there, it is to be supposed that no further illegal acts in that direction will be perpetrated. The location of the Quarantine at Seguin's Point has had a more powerful enemy than the warlike system. The Commissioners of Emigration have reported against the location as being, what every one knew it to be, utterly unsuited for the purpose. The old quarantine and hospital buildings are still, and but for the order to be used for the purposes for which they were erected.

### THE HARBOR BILL.

The Fleet Commissioners appointed under the new Harbor bill seem to have been adopting a bithero the doing nothing policy. Their fees and emoluments are to be paid out of a fund to be created from the collection of fines. But there are no fines there can be found, and consequently no pay. This reflection seems to have worked its way largely into the minds of the Commissioners, for they held a meeting on Thursday and actually discussed that interesting feature of the bill. And so, as we find in our report of the meeting, they determined to set out on their own hook (that is, independently of the Chamber of Commerce and Board of Underwriters), common law forthwith to enforce the law and see if the fines will pay expenses. Acting under this decision, the Commissioners set to work and appointed their respective deputies to go out and report all violations of the act. It may be presumed, therefore, that the Port bill is really in operation. The merchants are bitterly opposed to this and the other harbor bills particularly.

### THE PORT WARDENS BILL.

This measure is denounced as a shameless and barefaced attempt on the part of the black republican Legislature to saddle our commercial classes with the support of some dozen lay officials. The merchants of the port used to have a few well qualified men selected and paid by themselves to examine damaged cargoes, estimate the damage, &c., and their decision was conclusive. These are superseded by a batch of nine officers, seven of whom are appointed by the city, and the other two by the Board of Underwriters, who are to receive for doing nothing, would make their aggregate pay \$108,000 a year. It is said that a nephew and brother-in-law of Governor King hold two of these fat berths. The merchants and Board of Underwriters disregard these officials, but still the Port Wardens bill is virtually in operation.

### THE CENTRAL PARK.

The Central Park Commissioners have had no legal impediment thrown in their way. They must occasionally advertise for tenders for contracts, and transmit regular reports to the Board of Aldermen. There is no opposition to their proceedings than those of Commissioners under any other of the new laws.

### THE NEW CITY HALL.

We hear nothing at all of the Commissioners for the erection of the new City Hall. They are probably remaining quietly in the background, waiting for the result of the Street Commissioner's contest, and for the subduing of the agitation waves of public opinion in the metropolis.

### STREET COMMISSIONER'S CASE.

THE PROCEEDINGS BEFORE JUDGE PEABODY INTERRUPTED BY A WRIT OF CERTIORARI.

Before Hon. Judge Peabody.

July 10.—In the matter of the application of Daniel D. Conover to compel Charles Devlin to surrender him to the body, maps and papers of the Street Commissioner's Department. Mr. Field, District Judge of the Court said:—The order and warrants I gave yesterday I desire to have settled. I endeavored yesterday to get a more accurate description of the books belonging to the Street Commissioner's office than that mere general description that we have hitherto given. I am not able now to describe them accurately, but I produce a schedule as full as could be made.

The Court said the first thing to be done was to settle the order; he was under the impression that the order itself should be made for the whole, and that the defendant refusing to comply with the order the warrant should be served. The order shall be issued, and the defendant have an opportunity of complying with it. These warrants are analogous to executions. The order issued and not complied with is not a warrant, but it may be reasons why it could not be complied with, the latter of them may be later, there may be very good reasons why the order should not be complied with, and the party should be released before the issuing of the penal execution. The defendant is not to be released until he has complied with the order. He has, however, no objection to the order being made out it was the duty of the defendant to comply with the order, and he has not done so. He has, however, no objection to the order being made out it was the duty of the defendant to comply with the order, and he has not done so.

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### THE STREET COMMISSIONER'S OFFICE IN STATU QUO.

Certain witnesses predicted that yesterday would be characterized by another rumour at the Street Commissioner's office, and that an immense crowd might be expected to assemble to witness the sport. They were, however, doomed to be disappointed, for there were few visitors, with the exception of several hungry reporters drawn thither in search of items by the almighty word, and anxiously waiting the resumption of some reportable strike. Their labors were, however, for naught, and after waiting long over the maps of property up and down the city, they were dismissed. The Street Commissioner's office was in statu quo.

but suggested that it should only apply to search the office of Mr. Devlin, and any place under his control.

Mr. Field consented to leave out the order to search the office of Mr. Devlin, and any place under his control. The order was then altered so as to read that the warrant should be issued to search the office of the Street Commissioner, and any place under his control.

The order, as amended, was then handed by Mr. Field to Mr. Conover, who served it on Mr. Devlin, who replied that he would comply with the order, and that he would deliver up the books, maps and papers of the office of the Street Commissioner.

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across the room, and pointing towards the paper, requested him in the blindest manner to deliver him his (Conover's) books, papers and documents of the Street Commissioner's Department.

Mr. Conover was observed to be somewhat nervous, and he was followed by a group of rowdies supposed to be connected with the "Dead Rabbits," and was struck in the head with a brick or paving stone and fell senseless to the earth.

He was conveyed to the residence of his life above, and was attended by Dr. T. J. Conover, who was a native of New York, and was 40 years of age. Conover Perry has already commenced holding an inquest in the case, with the hope of finding some clue to the guilty parties.

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